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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 TROY SYKES,

11 Plaintiff,

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13 v.

14 GALINDO, *et al.*,

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16 Defendants.
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Case No. 1:23-cv-01770-KES-EPG (PC)

**FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT PLAINTIFF'S
REQUEST FOR INJUNCTIVE RELIEF BE
DENIED**

(ECF No. 46)

OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS

19 Troy Sykes ("Plaintiff") is a prisoner proceeding *pro se* and *in forma pauperis* with this
20 civil rights action filed pursuant to 42 U.S.C. § 1983. (ECF Nos. 1, 7).

21 On June 16, 2025, Plaintiff filed a Motion for Extension, which contained a request for
22 injunctive relief. For the reasons stated below, the Court recommends denying the request.

23 **I. DISCUSSION**

24 Plaintiff moves for "immediate injunctive relief in this matter." (ECF No. 46 at 4).
25 Plaintiff seems to allege that he was transferred as a retaliatory action and asks the Court to stop
26 this transfer. (*Id.* at 4). Plaintiff states that he lives seventy (70) miles from Avenal State Prison
27 and that his mother is 74, and the distance would be hard on her. (*Id.* at 5). Plaintiff further states
28 that he has been housed at A.S.P. for over three (3) years. (*Id.*). Plaintiff also states that he

1 believes a staff member at CDCR causes him safety and security issues, but is not sure who or “if
2 they even exist.” (*Id.*).

3 To obtain injunctive relief, a party must satisfy either the “traditional” or “alternative”
4 standard for injunctive relief. *Cassim v. Bowen*, 824 F.2d 791, 795 (9th Cir. 1987). “A cause of
5 action must exist before injunctive relief may be granted.” *Hamilton v. Bank of Blue Valley*, 746
6 F. Supp. 2d 1160, 1182 (E.D. Cal. 2010) (internal quotation marks & citations omitted).
7 “Injunctive relief, like damages, is a remedy requested by the parties, not a separate cause of
8 action.” *Mehta v. Wells Fargo Bank, N.A.*, 737 F. Supp. 2d 1185, 1205 (internal quotation marks
9 & citations omitted).

10 The standard of review for a preliminary injunction appeal is “limited and deferential.”
11 *Southwest Voter Registration Educ. Project v. Shelley*, 344 F.3d 914, 918 (9th Cir. 2003) (en
12 banc). “[A] preliminary injunction is always appropriate to grant intermediate relief of the same
13 character as that which may be granted finally” and may not be granted concerning “a matter
14 lying wholly outside the issues in the suit[.]” *De Beers Consol. Mines, Ltd. v. United States*, 325
15 U.S. 212, 220 (1945).

16 Here, there is no pending claim for retaliation in this case; therefore, under the precedent
17 stated above, Plaintiff is not able to bring a motion for injunctive relief to prevent his transfer to a
18 different prison facility.

19 Furthermore, Plaintiff does not allege that any of the Defendants in this case are the ones
20 moving him to a new facility.

21 Therefore, the Court finds that Plaintiff’s Motion for Injunctive Relief should be denied.

22 **II. CONCLUSION**

23 Accordingly, based on the foregoing, IT IS HEREBY RECOMMENDED that Plaintiff’s
24 Motion for Injunctive Relief (ECF No. 46) be DENIED.

25 These findings and recommendations are submitted to the United States district judge
26 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen
27 (14) days after being served with these findings and recommendations, any party may file written
28 objections with the Court. Such a document should be captioned “Objections to Magistrate
Judge's Findings and Recommendations.” Any response to the objections shall be served and filed

1 within fourteen (14) days after service of the objections. The parties are advised that failure to file
2 objections within the specified time may result in the waiver of rights on appeal. Wilkerson v.
3 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394
4 (9th Cir. 1991)).

5 IT IS SO ORDERED.

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7 Dated: July 7, 2025

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE